

ASSEMBLY BILL

No. 563

Introduced by Assembly Member Karnette

February 16, 2005

An act to amend Sections 52616.17 and 52616.19 of, to repeal Section 52616.23 of, and to add Section 52616.26 to, the Education Code, relating to adult education.

LEGISLATIVE COUNSEL'S DIGEST

AB 563, as introduced, Karnette. Adult education funding.

(1) Existing law requires the Superintendent of Public Instruction to determine an authorized limit of adult education average daily attendance for all high school districts and unified school districts that operated and claimed adult education state apportionments for the 1992–93 fiscal year. Existing law provides that for the 1996–97 fiscal year, and each fiscal year thereafter, a school district's adult education average daily attendance for apportionment purposes is its authorized adult education average daily attendance for the prior fiscal year multiplied by 1.025.

This bill would provide that, commencing in the 2006–07 fiscal year, and each fiscal year thereafter, the allocation of statewide authorized adult education average daily attendance shall be modified pursuant to a specified formula.

(2) Existing law requires, to the extent funds available for specified adult education programs are in excess of the amount needed to fund the programs, the Superintendent of Public Instruction to use the excess funds for the development of criteria for identifying programmatic areas of adult education needing expansion.

This bill, instead, would require the Superintendent to allocate the excess funds as grants to school districts operating adult education

programs, based on an equal amount per unit of adult education average daily attendance.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 52616.17 of the Education Code is
- 2 amended to read:
- 3 52616.17. Commencing July 1, 1993, the ~~Superintendent of~~
- 4 ~~Public Instruction~~ *Superintendent* shall determine an authorized
- 5 limit of adult education average daily attendance for all high
- 6 school districts and unified school districts that operated *an adult*
- 7 *education program* and claimed *an adult education state*
- 8 *apportionment* for the 1992–93 fiscal year, as follows:
- 9 (a) For the 1993–94 fiscal year, the ~~district's~~ authorized adult
- 10 education average daily attendance *of a school district* shall be
- 11 one of the following:
- 12 (1) The ~~district's~~ adult education average daily attendance *of*
- 13 *the district* added to the ~~district's~~ average daily attendance *of the*
- 14 *district* for concurrently enrolled high school pupils in adult
- 15 education programs that was certified for the annual principal
- 16 apportionment report and for which state apportionment for the
- 17 1991–92 fiscal year was received.
- 18 (2) If the ~~district's~~ average daily attendance *of the district* for
- 19 concurrently enrolled high school pupils in adult education used
- 20 in paragraph (1) exceeds 10 percent of the ~~district's~~ total average
- 21 daily attendance *of the district* for all pupils in grades 9 to 12,
- 22 inclusive, for the same reporting period, the ~~district's~~ authorized
- 23 adult education average daily attendance *of the district* pursuant
- 24 to paragraph (1) shall be reduced by multiplying the amount of
- 25 certified average daily attendance for concurrently enrolled high
- 26 school pupils in adult education that exceeds 10 percent by 0.33
- 27 and subtracting that amount from the ~~district's~~ authorized adult
- 28 education average daily attendance *of the district* pursuant to
- 29 paragraph (1).
- 30 (3) For a school district offering adult education courses and
- 31 classes pursuant to Section 41976.2, add to the amount calculated
- 32 pursuant to ~~paragraphs~~ *paragraph* (1) or (2) the number of units
- 33 of average daily attendance claimed by that district for the

second principal apportionment made in the 1991–92 fiscal year for independent study pupils 21 years of age or older and pupils 19 years of age or older who have not been continuously enrolled in kindergarten or any of the grades 1 to 12, inclusive, since their 18th birthday, as calculated pursuant to Section 46300.1, as that section read on January 1, 1992.

(b) For the 1994–95 fiscal year, the ~~district's~~ authorized adult education average daily attendance *of the district* shall be one of the following:

(1) The ~~district's~~ adult education average daily attendance *of the district* added to the ~~district's~~ average daily attendance *of the district* for concurrently enrolled high school pupils in adult education programs that was certified for the annual principal apportionment report and for which state apportionment for the 1991–92 fiscal year was received.

(2) If the ~~district's~~ average daily attendance *of the district* for concurrently enrolled high school pupils in adult education used in paragraph (1) exceeds 10 percent of the ~~district's~~ total average daily attendance *of the district* for all pupils in grades 9 to 12, inclusive, for the same reporting period, the ~~district's~~ authorized adult education average daily attendance *of the district* pursuant to paragraph (1) shall be reduced by multiplying the amount of certified average daily attendance for concurrently enrolled high school pupils in adult education that exceeds 10 percent by 0.67 and subtracting that amount from the ~~district's~~ authorized adult education average daily attendance *of the district* pursuant to paragraph (1).

(3) For a school district offering adult education courses and classes pursuant to Section 41976.2, add to the amount calculated pursuant to ~~paragraphs~~ *paragraph* (1) or (2) the number of units of average daily attendance claimed by that district for the second principal apportionment made in the 1991–92 fiscal year for independent study pupils 21 years of age or older and pupils 19 years of age or older who have not been continuously enrolled in kindergarten or any of the grades 1 to 12, inclusive, since their 18th birthday, as calculated pursuant to Section 46300.1, as that section read on January 1, 1992.

(c) For the 1995–96 fiscal year, the ~~district's~~ authorized adult education average day attendance *of the district* shall be one of the following:

1 (1) The ~~district's~~ adult education average daily attendance of
2 ~~the district~~ added to the ~~district's~~ average daily attendance of ~~the~~
3 ~~district~~ for concurrently enrolled high school pupils in adult
4 education programs that was certified for the annual principal
5 apportionment report and for which the state apportionment for
6 the 1991–92 fiscal year was received.

7 (2) If the ~~district's~~ average daily attendance of ~~the district~~ for
8 concurrently enrolled high school pupils in adult education used
9 in paragraph (1) exceeds 10 percent of the ~~district's~~ total average
10 daily attendance of ~~the district~~ for all pupils in grades 9 to 12,
11 inclusive, for the same reporting period, the ~~district's~~ authorized
12 adult education average daily attendance of ~~the district~~ pursuant
13 to paragraph (1) shall be reduced by multiplying the amount of
14 certified average daily attendance for concurrently enrolled high
15 school pupils in adult education that exceeds 10 percent by 1.00
16 and subtracting that amount from the ~~district's~~ authorized adult
17 education average daily attendance of ~~the district~~ pursuant to
18 paragraph (1).

19 (3) For a school district offering adult education courses and
20 classes pursuant to Section 41976.2, add to the amount calculated
21 pursuant to paragraph (1) or (2), whichever is applicable, the
22 number of units of average daily attendance claimed by the
23 district for the second principal apportionment for the 1991–92
24 fiscal year for independent study pupils 21 years of age ~~and or~~
25 older and pupils 19 years of age or older who have not been
26 continuously enrolled in kindergarten, or any of grades 1 to 12,
27 inclusive, since their 18th birthday, as calculated pursuant to
28 Section 46300.1, as that section read on January 1, 1992.

29 (d) For the 1996–97 fiscal year, and each fiscal year thereafter,
30 ~~a school district's~~ *the* adult education average daily attendance of
31 *a school district* for apportionment purposes shall be its
32 authorized adult education average daily attendance for the prior
33 fiscal year multiplied by 1.025, *except that, commencing with the*
34 *2006–07 fiscal year, and each fiscal year thereafter, the adult*
35 *education average daily attendance shall be modified as*
36 *provided by Section 52616.26.*

37 (e) Commencing July 1, 1996, a school district shall not
38 certify for apportionment purposes, that portion of any average
39 daily attendance in adult education programs generated by pupils
40 who are concurrently enrolled for apportionment purposes in

1 high school that exceeds 10 percent of the ~~district's~~ average daily
2 attendance *of the district* for all pupils in grades 9 to 12,
3 inclusive, for the same reporting period.

4 (f) It is the intent of the Legislature that, commencing July 1,
5 1993, each school district that conducted programs in the
6 1991–92 fiscal year through independent study for pupils 21
7 years of age or older and pupils 19 years of age or older who
8 have not been continuously enrolled in kindergarten or any of
9 grades 1 to 12, inclusive, since their 18th birthday, as calculated
10 pursuant to Section 46300.1, as that section read on January 1,
11 1992, continue to serve at least the same number of units of
12 average daily attendance through adult education for high school
13 diploma programs in all subsequent years as were funded through
14 those independent study programs in the 1991–92 fiscal year,
15 unless the ~~school district~~ governing board *of the school district*
16 determines that meeting this service requirement would incur
17 costs in excess of the revenue received.

18 SEC. 2. Section 52616.19 of the Education Code is amended
19 to read:

20 52616.19. (a) Commencing with the 1993–94 fiscal year, and
21 each fiscal year thereafter, the only funding available for
22 purposes of Sections 52616, 52616.16, 52616.17, and 52616.18
23 shall be the following:

24 (1) Funds that would have been apportioned for purposes of
25 Section 52616, as that section read on June 30, 1993.

26 (2) Funds that would have been apportioned for purposes of
27 concurrently enrolled average daily attendance pursuant to
28 Section 42238.5, as that section read on June 30, 1993.

29 (3) Funds that would have been available for purposes of adult
30 elementary and secondary independent study average daily
31 attendance pursuant to Section 46300.1, as that section read on
32 June 30, 1993.

33 (b) In the 1993–94 fiscal year, up to four million two hundred
34 fifty thousand dollars (\$4,250,000) shall be available for the ~~start~~
35 ~~up~~ *startup* of new adult education programs pursuant to Section
36 52616.18. In the 1994–95 fiscal year, up to eight million five
37 hundred thousand dollars (\$8,500,000) shall be available for the
38 startup of new adult education programs and the continuation of
39 programs started and funded in the 1993–94 fiscal year. Four
40 million two hundred fifty thousand dollars (\$4,250,000) of that

1 amount shall only be available for new adult education programs
2 if there is no deficit applied pursuant to subdivision (c). It is the
3 intent of the Legislature that, commencing in the 1995–96 fiscal
4 year, those adult education programs started and funded in the
5 1993–94 and 1994–95 fiscal years shall continue to be funded.

6 (c) If the funds available pursuant to subdivision (a) are not
7 sufficient to fully fund Sections 52616, 52616.16, 52616.17, and
8 52616.18, ~~the Superintendent of Public Instruction~~
9 *Superintendent* shall reduce the adult education apportionment
10 for each district that received funding pursuant to Section
11 52616.16.

12 (d) If the funds available pursuant to subdivision (a) exceed
13 the amount needed to fund Sections 52616, 52616.16, 52616.17,
14 and 52616.18, ~~the Superintendent of Public Instruction~~
15 *Superintendent* shall ~~use any excess funds for the purposes of~~
16 *Section 52616.23 allocate those excess funds as one-time grants*
17 *to school districts operating adult education programs, based on*
18 *an equal amount per unit of adult education average daily*
19 *attendance.*

20 SEC. 3. Section 52616.23 of the Education Code is repealed.

21 ~~52616.23. The Superintendent of Public Instruction shall~~
22 ~~develop criteria to identify the programmatic areas of adult~~
23 ~~education that are in need of expansion. Each district shall be~~
24 ~~given an opportunity to apply for additional authorized units of~~
25 ~~adult education average daily attendance to meet any local needs~~
26 ~~in the identified adult education programs. Any adult education~~
27 ~~average daily attendance authorized by the superintendent shall~~
28 ~~result in a new authorized limit of adult education average daily~~
29 ~~attendance for the districts.~~

30 SEC. 4. Section 52616.26 is added to the Education Code, to
31 read:

32 52616.26. (a) Commencing in the 2006–07 fiscal year, and
33 each fiscal year thereafter, the Superintendent shall modify the
34 allocation of apportionments for adult education average daily
35 attendance pursuant to subdivision (d) of Section 52616.17 as
36 follows:

37 (1) For any school district operating an adult education
38 program with fewer than 100 units of authorized adult education
39 average daily attendance, as determined pursuant to Section

1 52616.17, in the prior fiscal year, increases in authorized adult
2 education average daily attendance shall be calculated as follows:

3 (A) If the district served or exceeded its adult education
4 average daily attendance authorized limit in the second prior
5 fiscal year, the district shall receive up to 30 additional units of
6 authorized adult education average daily attendance.

7 (B) If the district failed to serve its adult education average
8 daily attendance authorized limit in the second prior fiscal year,
9 the district shall receive no additional authorized adult education
10 average daily attendance.

11 (2) For any school district operating an adult education
12 program with 100 or more units of authorized adult education
13 average daily attendance, as determined pursuant to Section
14 52616.17, in the prior fiscal year, authorized adult education
15 average daily attendance shall be calculated as follows:

16 (A) If the district served or exceeded its adult education
17 average daily attendance authorized limit in the second prior
18 fiscal year, its authorized limit for the current fiscal year shall be
19 increased by a number of units of adult education average daily
20 attendance equal to the authorized adult education average daily
21 attendance for the prior fiscal year multiplied by .025.

22 (B) If the district failed to serve its adult education average
23 daily attendance authorized limit in the second prior fiscal year,
24 the district shall receive no additional authorized adult education
25 average daily attendance for the current fiscal year.

26 (b) The Superintendent shall develop procedures and criteria
27 by which a school district subject to subparagraph (B) of
28 paragraph (1) and subparagraph (B) of paragraph (2) of
29 subdivision (a) may request an increase in its adult education
30 average daily attendance, based on a demonstration that funding
31 is necessary despite the district's failure to serve its authorized
32 adult education average daily attendance limit in the second prior
33 fiscal year. Notwithstanding subdivision (a), the superintendent
34 may authorize a district to receive a maximum increase equal to
35 the adult education average daily attendance served by the
36 district multiplied by .025, if the determination is made that the
37 district can effectively use the additional funding.

38 (c) (1) The Superintendent shall first allocate funding
39 appropriated pursuant to subdivision (d) of Section 52616.17
40 pursuant to subdivisions (a) and (b).

1 (2) The Superintendent shall allocate any remaining funding
2 appropriated pursuant to subdivision (d) of Section 52616.17 on
3 an application basis for either or both of the following purposes:

4 (A) In an amount to fund a maximum of 35 units of adult
5 education average daily attendance per school district, to provide
6 funding to school districts that do not receive state funding for
7 adult education to start adult education programs.

8 (B) To provide funding to school districts described in
9 subparagraph (A) of paragraph (2) of subdivision (a) that have an
10 authorized limit of adult education average daily attendance that
11 is less than the statewide average when measured in proportion to
12 the average daily attendance in grades 9 to 12, inclusive, in the
13 district.